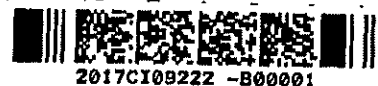


# **Exhibit “1”**



CAUSE NO. 2017-CI-09222

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*

§ IN THE DISTRICT COURT  
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§ 438<sup>th</sup> JUDICIAL DISTRICT  
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§  
§ BEXAR COUNTY, TEXAS

BOND

THE STATE OF TEXAS §  
§  
COUNTY OF BEXAR §

DEPUTY  
17 MAY 19 PM 3:05  
DISTRICT CLERK  
BEXAR COUNTY

WHEREAS, in above-styled cause, the Honorable Judge Presiding, did on the 19 day of May, 2017, sign an Order granting Plaintiff's Temporary Restraining Order against Respondents herein and ordering Applicant to make, execute and file a Temporary Restraining Order Bond before issuance of the Temporary Restraining Order, therefore:

KNOW ALL MEN BY THESE PRESENTS, that I, ELENA SUAREZ, as principal, and Thomas J. Henry and Travis E. Venable as sureties, conditioned that Applicants will abide by the decision that may be made in the aforesaid cause, and that they will pay all sums of money and costs that may be adjudged against them if the Temporary Restraining Order issued on May 19, 2017, in the aforesaid cause shall be dissolved in whole or in part.

THAT I, ELENA SUAREZ, as principal and Thomas J. Henry and Travis E. Venable as sureties, are held and firmly bound in the sum of \$500.00 for the payment of which sum, or sums, well are truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

APPROVED ON THIS 19<sup>th</sup> DAY OF May, 2017.  
DEPUTY: Donna Kay McKinney  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY, TEXAS

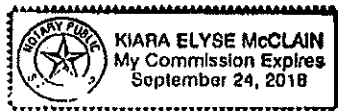
WITNESS OUR HANDS this the 19<sup>th</sup> day of May, 2017.

Principal: Elena Suarez  
Elena Suarez  
Address: 405 Mitchell Ave.  
Schertz, Texas 78154

Surety: Thomas J. Henry  
Thomas J. Henry  
Address: 521 Starr Street  
Corpus Christi, Texas 78401  
State Bar No.: 09484210  
Telephone: 361-985-0600

Surety: Travis E. Venable  
Travis E. Venable  
Address: 521 Starr Street  
Corpus Christi, Texas 78401  
State Bar No.: 24068577  
Telephone: 361-985-0600  
Email: [tvenable-svc@tjhlaw.com](mailto:tvenable-svc@tjhlaw.com)

SUBSCRIBED AND SWORN TO BEFORE ME on this the 19<sup>th</sup> day of May, 2017.



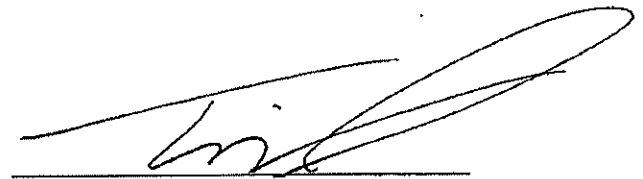
Kiara Elyse McClain  
Notary Public, State of Texas

**OATH OF SURETIES**


THE STATE OF TEXAS §  
§  
COUNTY OF BEXAR §

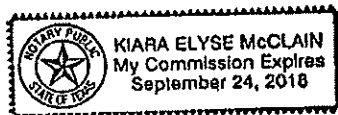
I, Travis E. Venable, do swear that I am worth in my own right, at least the sum of Five Hundred dollars (\$ 500.00) after deducting from my property all that which is exempt by the Constitution and laws of the State from forced sale, and after the payment of all my debts, of every description, whether individual or security debts and after satisfying all encumbrances upon my property which are known to me, and that I reside in the County of Bexar and have property in the State liable to execution worth:

The said sum of Five Hundred dollars (\$ 500.00).

  
\_\_\_\_\_  
TRAVIS E. VENABLE

SUBSCRIBED AND SWORN TO BEFORE ME on this the 16th day of May, 2017.

  
\_\_\_\_\_  
Notary Public, State of Texas



DOCUMENT SCANNED AS FILED



CAUSE NO. 2017-CI-09222

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*
 § IN THE DISTRICT COURT  
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 § 438<sup>th</sup> JUDICIAL DISTRICT  
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 § BEXAR COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER AND**  
**ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On this day, Plaintiff, ELENA SUAREZ, has filed a motion for temporary injunction and in connection therewith, has presented a motion for a temporary restraining order together with Plaintiff's Original Petition and Application for injunction and affidavit supporting the motion presented. Plaintiff is entitled to a temporary restraining order and temporary injunction that unless Defendants, their agents, servants, and employees and anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision made the basis of Plaintiff's Motion and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant MARTIE D. RHAMY ("Rhamy" is the driver of the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the incident made the basis of this lawsuit), they will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained,


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Plaintiff will suffer irreparable injury, to wit: Defendants' repair, removal, destruction, disposal, inspection or testing of the evidence involved herein may destroy or severely alter the condition of the evidence and prevent Plaintiff from asserting the right to inspect or test the evidence as provided by the Texas Rules of Civil Procedure.

Plaintiff further requests a temporary restraining order and temporary injunction that unless Defendant **DARYL THOMASON TRUCKING, INC.**, its agents, servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy any cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or hand-held device, any GPS tracking device on the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 or any downloaded information relating to any GPS tracking device or system on the tractor-trailer, all maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident, it will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury.

**IT IS THEREFORE, ORDERED** that Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, their agents, servants, employees,

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and anyone acting in concert therewith, or anyone having knowledge of this order are hereby commanded forthwith to desist and refrain from the following:

Taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any and all operational or trip related documents created or received by Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, to include any trip tickets, **MARTIE D. RHAMY'S** daily logs, record of **MARTIE D. RHAMY'S** duty status, **MARTIE D. RHAMY'S** daily condition report, **MARTIE D. RHAMY'S** payment of services, **MARTIE D. RHAMY'S** Qualification File and **MARTIE D. RHAMY'S** Personnel File as required by TX DOT and Federal Motor Carrier Safety Regulations for Defendant **DARYL THOMASON TRUCKING, INC.**; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

**IT IS FURTHER ORDERED** that Defendants be cited to appear and show cause and that upon such hearing a temporary injunction be issued enjoining such Defendants, its agents, servants, and employees or anyone acting in concert therewith, from:

Taking any action that might alter, damage or destroy the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other

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evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitmouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

The clerk shall forthwith on the filing by Plaintiff of the bond hereinafter required and in approving the same according to the law, issue a temporary restraining order in conformity with the law and the terms of this order. This order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in conformity with the law, in the amount of \$ 500.00.

IT IS FURTHER ORDERED, that Plaintiff's Application for Temporary Injunction be heard at 9:00 o'clock A.m., on the 30<sup>th</sup> day of May, 2017, in the Presiding District Court, Bexar County, San Antonio, Texas, Room 109.

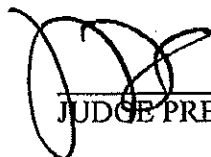
IT IS FURTHER ORDERED that notice be issued to the Defendants commanding them to appear and show cause why the temporary injunctions prayed for in Plaintiff's Original Petition and Application for Temporary Injunction should not be granted.

This Order expires on May 30, 2017



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SIGNED AND ENTERED this the 19 day of May, 2017 at  
2:33 O'Clock, P.m.

  
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JUDGE PRESIDING

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CAUSE NO. 2017-CI-09222

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*§  
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IN THE DISTRICT COURT

438th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

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**ORDER EXTENDING APPLICANT'S TEMPORARY RESTRAINING ORDER**

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On this the 30<sup>th</sup> day of May, 2017, *Plaintiff's Motion to Extend Temporary Restraining Order* was considered by the Court. After considering the evidence and hearing the arguments of counsel, the Court ordered that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the *Plaintiff's Motion to Extend Temporary Restraining Order* is GRANTED.

IT IS FURTHER ORDERED that the hearing for Plaintiff's application for Temporary Injunction shall occur on the 12 day of June 2017.

SIGNED AND ENTERED on this the 30<sup>th</sup> day of May 2017.

  
 Presiding Judge

2017CI09222 -D438

2017CI09222 -D438

CAUSE NO. \_\_\_\_\_

§ IN THE DISTRICT COURT  
§  
§ **438TH**  
§ \_\_\_\_\_ JUDICIAL DISTRICT  
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§  
§ BEXAR COUNTY, TEXAS

## PAGE 1

Texas Civil Practice and Remedies Code because it is the county where a substantial part of the events giving rise to claim occurred.

6. Pursuant to Tex. R. Civ. P. 47, this is a cause of action that exceeds \$1,000,000.00 in damages and is within the Court's jurisdictional limits.

### **FACTS**

7. On or about October 26, 2016, Plaintiff, Elena Suarez, driver of a 2002 Ford F-150 pickup, was traveling southbound on the 14000 block of IH 35 South, in Live Oak, Bexar County, Texas. Defendant, Martie D. Rhamy, was operating a 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, which was pulling a 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394, in the course and scope of his employment with Defendant, Daryl Thomason Trucking, Inc., and was also traveling southbound on the 14000 block of IH 35. Defendant, Martie D. Rhamy, suddenly, violently, and without warning struck the Plaintiff's vehicle in the rear, causing Plaintiff to strike the rear of the vehicle ahead of her. As a result of this collision, Plaintiff sustained severe injuries and damages to her body, as more fully set forth below.

8. The occurrence made the basis of this suit, reflected above, and the resulting injuries and damages were proximately caused by the negligent conduct of the Defendants.

### **NEGLIGENCE** **DEFENDANTS, DARYL THOMASON TRUCKING, INC, AND MARTIE D. RHAMY**

9. The occurrence made the basis of this suit, and the resulting injuries and damages to Plaintiff, were proximately caused by the negligent conduct of Defendants. Defendant Martie D. Rhamy operated the vehicle he was driving in a negligent manner because he violated the duty which he owed the Plaintiff to exercise ordinary care in the operation of his motor vehicle in one or more of the following respects:

- a. in failing to keep a proper lookout or such lookout which a person of ordinary prudence would have maintained under same or similar circumstances;
- b. in failing to timely apply the brakes of the vehicle in order to avoid the collision in question;
- c. in failing to maintain an assured clear distance so that he could safely stop without colliding with the preceding vehicle;
- d. in failing to maintain control of his vehicle; and
- e. in operating his vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances.

10. Negligence per se tort claims are established when a plaintiff shows that a defendant violates a statute or ordinance setting an applicable standard of care if the statute is designed to prevent an injury to that class of persons to which the injured party belongs. In that regard, Defendant Martie D. Rhamy's conduct constitutes negligence per se because he failed to exercise the mandatory standard of care set forth in the Texas Transportation Code, specifically:

- a. in failing to keep a proper lookout or such lookout, which a person of ordinary prudence would have maintained under same or similar circumstances; TEXAS TRANSPORTATION CODE 545.401
- b. in failing to timely apply the brakes of the vehicle in order to avoid the collision in question; TEXAS TRANSPORTATION CODE 545.062; and
- c. in operating his vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances; TEXAS TRANSPORTATION CODE 545.351.

11. Defendant, Daryl Thomason Trucking, Inc., was negligent under the theory of *respondeat superior* in that Defendant Martie D. Rhamy was acting within the course and scope of his employment with Daryl Thomason Trucking, Inc., at the time the incident occurred.

12. In addition, Daryl Thomason Trucking, Inc., was negligent in one or more of the following aspects:

- a. negligent hiring;
- b. negligent entrustment;

- c. negligent driver qualifications;
- d. negligent training and supervision;
- e. negligent retention;
- f. negligent management; and
- g. negligent maintenance.

13. The above-referenced acts and omissions by Defendants were more than momentary thoughtlessness or inadvertence. Rather, Defendants' conduct, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others similarly situated. Accordingly, Defendants' conduct constitutes gross negligence as that term is defined in Section 41.001(11) Texas Civil Practice and Remedies Code. Therefore, Plaintiff sues for exemplary damages in an amount to be determined at trial.

#### **EXEMPLARY DAMAGES**

14. The above-referenced acts and/or omissions by Defendants constitute malice as that term is defined in Section 41.001(7)(B) Texas Civil Practice and Remedies Code. Defendants were heedless and reckless, constituting an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and Defendants were aware of the risk but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including Plaintiff. The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

15. Defendants' acts or omissions described above, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk,

considering the probability of harm to Plaintiff and others.

16. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

17. Therefore, for such malice on behalf of Defendants, Plaintiff sues for exemplary damages in an amount to be determined at trial.

### **DAMAGES**

18. As a direct and proximate result of the collision and the negligent conduct of Defendants, Plaintiff, Elena Suarez, suffered severe bodily injuries to her head, neck, back, and other parts of her body generally. Her entire body was bruised, battered and contused and she suffered great shock to her entire nervous system. The injuries are permanent in nature. The injuries have had a serious effect on the Plaintiff's health and well-being. Some of the effects are permanent and will abide with the Plaintiff for a long time into the future, if not for her entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this deterioration throughout her body for a long time in the future, if not for the balance of her natural life. As a further result of the nature and consequences of her injuries, the Plaintiff suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of her natural life.

19. Additionally, as a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Elena Suarez, was caused to incur the following damages:

- a. Reasonable medical care and expenses in the past. Plaintiff, Elena Suarez, incurred these expenses for the necessary care and treatment of the injuries

resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in county they were incurred;

- b. Reasonable and necessary medical care and expenses, which will, in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering, which will, in all reasonable probability be suffered in the future;
- e. Physical impairment in the past;
- f. Physical impairment, which will, in all reasonable probability be suffered in the future;
- g. Loss of wages in the past;
- h. Loss of earning capacity, which will, in all reasonable probability be incurred in the future;
- i. Mental anguish in the past;
- j. Mental anguish which will, in all reasonable probability be suffered in the future;
- k. Fear of future disease or condition;
- l. Disfigurement; and
- m. Cost of medical monitoring and prevention in the future.

#### **PREJUDGMENT AND POST-JUDGMENT INTEREST**

20. Plaintiff further request both pre-judgment and post-judgment interest on all damages as allowed by law.

#### **REQUEST FOR DISCLOSURE**

21. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, each Defendant is requested to disclose within fifty (50) days after service of this Petition the information or material described in Rule 194.2 (a) through (l).



**JURY DEMAND**

23. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff hereby makes application for a jury trial and request that this cause be set on the Court's Jury Docket. Plaintiff acknowledges payment this date of the required jury fee.

**APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

**I.**

1. Comes now, Plaintiff, Elena Suarez, before this Honorable Court and files a motion for temporary injunction and in connection therewith, presents a motion for a temporary restraining order together with her original petition for injunction and affidavit supporting the motion presented.

**II**

2. Plaintiff requests a temporary restraining order and temporary injunction that unless Defendants, Daryl Thomason Trucking, Inc., and Martie D. Rhamy, their agents, their servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394, involved in the October 26, 2016, collision, and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence, to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant Martie D. Rhamy, they will not commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury, to wit: Defendants' repair, removal, destruction, disposal, inspection or testing of the evidence involved herein may destroy or severely alter the condition of the evidence and prevent Plaintiff from asserting the right to inspect or test the evidence as provided by the Texas Rules of Civil Procedure.

3. Plaintiff further requests a temporary restraining order and temporary injunction that unless Defendant, Daryl Thomason Trucking, Inc., its agents, servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy any cellular phone or other hand-held device in the possession of Defendant, Martie D. Rhamy, at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or hand-held device, GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer, any and all operational or trip related documents created or received by Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, to include any trip tickets, Martie D. Rhamy's daily logs, record of Martie D. Rhamy's duty status, Martie D. Rhamy's daily condition report, payment of services, Martie D. Rhamy's Qualification File and Personnel File as required by any applicable regulations for Defendant, Daryl Thomason Trucking, Inc., all maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident, it will not commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury.

### III.

4. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court order that Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, their agents, servants, employees or anyone having knowledge of this order are hereby commanded forthwith to desist and refrain from the following:

5. Taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant Martie D. Rhamy; and

5. Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant Martie D. Rhamy at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

6. Taking any action that might alter, damage or destroy any and all operational or trip related documents created or received by Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, to include any trip tickets, Martie D. Rhamy's daily logs, record of Martie D. Rhamy's duty status, Martie D. Rhamy's daily condition report, payment of services, Martie D. Rhamy's Qualification File and Personnel File as required by any applicable regulations for Defendant, Daryl Thomason Trucking, Inc.; and

7. Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

#### IV.

8. On information and belief, Defendants, are not represented by counsel.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that the Court enter its Temporary Restraining Order and, upon hearing, Temporary Injunction, that the Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff have judgment against Defendants, jointly and severally, in an amount within the jurisdictional limits of this Court, together with all pre judgment and post judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Pre judgment interest;
12. Post judgment interest;
13. Exemplary damages;
14. Loss of past wages;
15. Loss of future wages;
16. Loss of wage earning capacity;
17. Property damage; and
18. Loss of use.

Respectfully submitted,

THOMAS J. HENRY INJURY ATTORNEYS  
521 Starr Street  
Corpus Christi, Texas 78401  
Tel. (361) 985-0600  
Fax. (361) 985-0601

By: /s/ Travis E. Venable /s/

Thomas J. Henry  
State Bar No. 09484210  
Travis E. Venable  
State Bar No. 24068577  
**ATTORNEYS FOR PLAINTIFF**

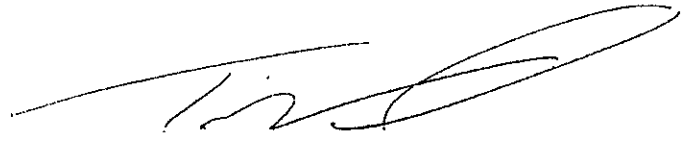
**AFFIDAVIT**

**THE STATE OF TEXAS   §  
                                     §  
COUNTY OF BEXAR   §**

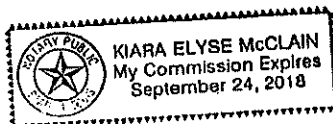
**BEFORE ME**, the undersigned authority, personally appeared, Travis E. Venable, who upon his oath stated,

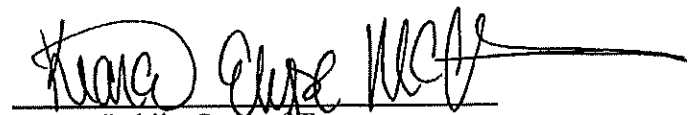
"I am an attorney licensed to practice law in the State of Texas. I have been employed to represent Plaintiff Elena Suarez for the injuries she sustained in the incident which occurred on October 26, 2016. If the tractor and trailer involved in this incident which are in the possession of the Defendants and relevant evidence are in any way altered, crucial evidence may be forever lost to the Plaintiff. The facts stated in the Application for Temporary Restraining Order and Temporary Injunction are true and correct.

"Further, Affiant sayeth not."

  
\_\_\_\_\_  
Travis E. Venable

**SUBSCRIBED AND SWORN TO BEFORE ME**, by the said Travis E. Venable, on the 18<sup>th</sup> day of May, 2017, to certify which witness my hand and seal.



  
\_\_\_\_\_  
Notary Public, State of Texas

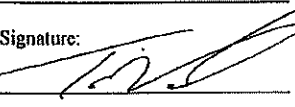
## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED ELENA SUAREZ V. DARYL THOMASON TRUCKING, INC., AND MARTIE D. RHAMY

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>  Name: <u>Travis E. Venable</u> Email: <u>tvenable-svc@tjhlaw.com</u>  Address: <u>5711 University Heights, Suite 101</u> Telephone: <u>210-656-1000</u>  City/State/Zip: <u>San Antonio, Tx 78249</u> Fax: <u>361-985-0601</u>  Signature:  State Bar No: <u>24068577</u>		<b>Names of parties in case:</b>  Plaintiff(s)/Petitioner(s): <u>Elena Suarez</u>  Defendant(s)/Respondent(s): <u>Daryl Thomason Trucking, Inc. and Martie D. Rhamy</u>  (Attach additional page as necessary to list all parties)		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  <b>Additional Parties in Child Support Case:</b>  Custodial Parent: _____  Non-Custodial Parent: _____  Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					



FILED  
5/29/2017 5:15:00 PM  
Donna Kay McKinney  
Bexar County District Clerk  
Accepted By: Christopher Morrow

**CAUSE NO. 2017-CI-09222**

<b>ELENA SUAREZ,</b>	§	<b>IN THE DISTRICT COURT</b>
<b><i>Plaintiff,</i></b>	§	
	§	
<b>vs.</b>	§	<b>438th JUDICIAL DISTRICT</b>
	§	
<b>DARYL THOMASON TRUCKING, INC.,</b>	§	
<b>AND MARTIE D. RHAMY,</b>	§	
<b><i>Defendants.</i></b>	§	<b>BEXAR COUNTY, TEXAS</b>

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**APPLICANT'S MOTION TO EXTEND TEMPORARY RESTRAINING ORDER**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Applicant, Elena Suarez, and brings this Motion to Extend Temporary Restraining Order, and in support thereof, Applicant would show the Court the following:

**INTRODUCTION**

1. On May 18, 2017, Plaintiff filed his Original Petition and Application for Temporary Restraining Order and Injunction. **Exhibit A.**
2. On May 19, 2017, the Court issued a Temporary Restraining Order. **Exhibit B.** The Temporary Restraining Order currently expires May 30, 2017. *Id.*
3. The Temporary Restraining Order not yet been served on the Defendants in this matter.

**ARGUMENTS & AUTHORITIES**

4. The applicant may ask the trial court to extend the temporary restraining order by filing a motion before the temporary restraining order expires, showing good cause. TEX. R. CIV. P. 680; *In re Texas Nat. Res. Consvserv. Comm'n*, 85 S.W.3d 201, 203 (Tex. 2002). The court can grant one extension of the temporary restraining order for an additional 14 days. TEX. R. CIV. P. 680; *In re Texas Nat. Res.*, 85 S.W.3d. at 203.
5. There is good cause in this case to extend the temporary restraining order for 14 days because the

respondents have failed to appear or obey the Temporary Restraining Order. The Applicant wants to give the Respondents the opportunity to appear to be able to defend against the allegations presented in court. Therefore, Applicant requests a fourteen (14) day extension to allow the Respondents the opportunity to appear or for the parties to enter into an agreement as to the evidence at issue.

**PRAYER**

**WHEREFORE PREMISES CONSIDERED**, Applicant respectfully requests that the Court extend the Temporary Restraining Order to expire on June 13, 2017.

Respectfully submitted,

**THOMAS J. HENRY INJURY ATTORNEYS**  
521 Starr Street  
Corpus Christi, Texas 78401  
Telephone: (361) 985-0600  
Facsimile: (361) 985-0601  
Email: [tvenable-svc@tjhlaw.com](mailto:tvenable-svc@tjhlaw.com)

/s/Travis E. Venable/s/

Thomas J. Henry  
State Bar No. 09484210  
Travis Venable  
State Bar No. 24068577

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the above and forgoing instrument was duly served upon Daryl Thomason Trucking, Inc., and Martie D. Rhamy in accordance with the Texas Rules of Civil Procedure on this the 29<sup>th</sup> day of May, 2017.

**Via CMRRR #7015 3010 0001 4336 2828**

Daryl Thomason Trucking, Inc.  
Mr. Daryl Thomason, Registered Agent  
465 West Highway 3  
Broken Bow, Oklahoma 74728

**Via CMRRR #7015 3010 0001 4336 2835**

Martie D. Rhamy  
11623 100<sup>th</sup> Street  
Coyle, Oklahoma 73027

/s/ Travis E. Venable /s/  
Travis Venable

FILED  
5/18/2017 6:26:42 PM  
Donna Kay McKinney  
Bexar County District Clerk  
Accepted By: Maria Abilez

2CIT/PPS 2NOTCE/PPS SAC1

**2017CI09222**  
CAUSE NO. \_\_\_\_\_

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*

§ IN THE DISTRICT COURT  
§  
§ **438TH**  
§  
§ \_\_\_\_\_ JUDICIAL DISTRICT  
§  
§  
§  
§ BEXAR COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND INJUNCTION, AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Elena Suarez, Plaintiff herein, and complains of Daryl Thomason Trucking, and Martie D. Rhamy, hereinafter referred to by name or as Defendants, and for cause of action would respectfully show unto the Court as follows:

**DISCOVERY LEVEL**

1. Discovery shall be conducted in this case according to Level III discovery control plan.

**PARTIES/SERVICE**

2. Plaintiff, Elena Suarez, resides in Guadalupe County, Texas.

3. Defendant, Daryl Thomason Trucking, Inc., is an Oklahoma corporation, whose principal place of business is located in Broken Bow, McCurtain County, Oklahoma, and may be served with process by serving its Registered Agent for service: Daryl Thomason, located at 465 West Highway 3, Broken Bow, Oklahoma 74728.

4. Defendant, Martie D. Rhamy, is resident of Coyle, Payne County, Oklahoma, who may be served at his residence located at 11623 100<sup>th</sup> Street, Coyle, Oklahoma 73027.

**JURISDICTION AND VENUE**

5. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the

Texas Civil Practice and Remedies Code because it is the county where a substantial part of the events giving rise to claim occurred.

6. Pursuant to Tex. R. Civ. P. 47, this is a cause of action that exceeds \$1,000,000.00 in damages and is within the Court's jurisdictional limits.

### **FACTS**

7. On or about October 26, 2016, Plaintiff, Elena Suarez, driver of a 2002 Ford F-150 pickup, was traveling southbound on the 14000 block of IH 35 South, in Live Oak, Bexar County, Texas. Defendant, Martie D. Rhamy, was operating a 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, which was pulling a 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394, in the course and scope of his employment with Defendant, Daryl Thomason Trucking, Inc., and was also traveling southbound on the 14000 block of IH 35. Defendant, Martie D. Rhamy, suddenly, violently, and without warning struck the Plaintiff's vehicle in the rear, causing Plaintiff to strike the rear of the vehicle ahead of her. As a result of this collision, Plaintiff sustained severe injuries and damages to her body, as more fully set forth below.

8. The occurrence made the basis of this suit, reflected above, and the resulting injuries and damages were proximately caused by the negligent conduct of the Defendants.

### **NEGLIGENCE** **DEFENDANTS, DARYL THOMASON TRUCKING, INC, AND MARTIE D. RHAMY**

9. The occurrence made the basis of this suit, and the resulting injuries and damages to Plaintiff, were proximately caused by the negligent conduct of Defendants. Defendant Martie D. Rhamy operated the vehicle he was driving in a negligent manner because he violated the duty which he owed the Plaintiff to exercise ordinary care in the operation of his motor vehicle in one or more of the following respects:

- a. in failing to keep a proper lookout or such lookout which a person of ordinary prudence would have maintained under same or similar circumstances;
- b. in failing to timely apply the brakes of the vehicle in order to avoid the collision in question;
- c. in failing to maintain an assured clear distance so that he could safely stop without colliding with the preceding vehicle;
- d. in failing to maintain control of his vehicle; and
- e. in operating his vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances.

10. Negligence per se tort claims are established when a plaintiff shows that a defendant violates a statute or ordinance setting an applicable standard of care if the statute is designed to prevent an injury to that class of persons to which the injured party belongs. In that regard, Defendant Martie D. Rhamy's conduct constitutes negligence per se because he failed to exercise the mandatory standard of care set forth in the Texas Transportation Code, specifically:

- a. in failing to keep a proper lookout or such lookout, which a person of ordinary prudence would have maintained under same or similar circumstances; TEXAS TRANSPORTATION CODE 545.401
- b. in failing to timely apply the brakes of the vehicle in order to avoid the collision in question; TEXAS TRANSPORTATION CODE 545.062; and
- c. in operating his vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances; TEXAS TRANSPORTATION CODE 545.351.

11. Defendant, Daryl Thomason Trucking, Inc., was negligent under the theory of *respondeat superior* in that Defendant Martie D. Rhamy was acting within the course and scope of his employment with Daryl Thomason Trucking, Inc., at the time the incident occurred.

12. In addition, Daryl Thomason Trucking, Inc., was negligent in one or more of the following aspects:

- a. negligent hiring;
- b. negligent entrustment;

- c. negligent driver qualifications;
- d. negligent training and supervision;
- e. negligent retention;
- f. negligent management; and
- g. negligent maintenance.

13. The above-referenced acts and omissions by Defendants were more than momentary thoughtlessness or inadvertence. Rather, Defendants' conduct, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others similarly situated. Accordingly, Defendants' conduct constitutes gross negligence as that term is defined in Section 41.001(11) Texas Civil Practice and Remedies Code. Therefore, Plaintiff sues for exemplary damages in an amount to be determined at trial.

#### **EXEMPLARY DAMAGES**

14. The above-referenced acts and/or omissions by Defendants constitute malice as that term is defined in Section 41.001(7)(B) Texas Civil Practice and Remedies Code. Defendants were heedless and reckless, constituting an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and Defendants were aware of the risk but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including Plaintiff. The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

15. Defendants' acts or omissions described above, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk,

considering the probability of harm to Plaintiff and others.

16. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

17. Therefore, for such malice on behalf of Defendants, Plaintiff sues for exemplary damages in an amount to be determined at trial.

### **DAMAGES**

18. As a direct and proximate result of the collision and the negligent conduct of Defendants, Plaintiff, Elena Suarez, suffered severe bodily injuries to her head, neck, back, and other parts of her body generally. Her entire body was bruised, battered and contused and she suffered great shock to her entire nervous system. The injuries are permanent in nature. The injuries have had a serious effect on the Plaintiff's health and well-being. Some of the effects are permanent and will abide with the Plaintiff for a long time into the future, if not for her entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this deterioration throughout her body for a long time in the future, if not for the balance of her natural life. As a further result of the nature and consequences of her injuries, the Plaintiff suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of her natural life.

19. Additionally, as a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Elena Suarez, was caused to incur the following damages:

- a. Reasonable medical care and expenses in the past. Plaintiff, Elena Suarez, incurred these expenses for the necessary care and treatment of the injuries



resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in county they were incurred;

- b. Reasonable and necessary medical care and expenses, which will, in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering, which will, in all reasonable probability be suffered in the future;
- e. Physical impairment in the past;
- f. Physical impairment, which will, in all reasonable probability be suffered in the future;
- g. Loss of wages in the past;
- h. Loss of earning capacity, which will, in all reasonable probability be incurred in the future;
- i. Mental anguish in the past;
- j. Mental anguish which will, in all reasonable probability be suffered in the future;
- k. Fear of future disease or condition;
- l. Disfigurement; and
- m. Cost of medical monitoring and prevention in the future.

#### **PREJUDGMENT AND POST-JUDGMENT INTEREST**

20. Plaintiff further request both pre-judgment and post-judgment interest on all damages as allowed by law.

#### **REQUEST FOR DISCLOSURE**

21. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, each Defendant is requested to disclose within fifty (50) days after service of this Petition the information or material described in Rule 194.2 (a) through (l).

**JURY DEMAND**

23. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff hereby makes application for a jury trial and request that this cause be set on the Court's Jury Docket. Plaintiff acknowledges payment this date of the required jury fee.

**APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

**I.**

1. Comes now, Plaintiff, Elena Suarez, before this Honorable Court and files a motion for temporary injunction and in connection therewith, presents a motion for a temporary restraining order together with her original petition for injunction and affidavit supporting the motion presented.

**II**

2. Plaintiff requests a temporary restraining order and temporary injunction that unless Defendants, Daryl Thomason Trucking, Inc., and Martie D. Rhamy, their agents, their servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394, involved in the October 26, 2016, collision, and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence, to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant Martie D. Rhamy, they will not commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury, to wit: Defendants' repair, removal, destruction, disposal, inspection or testing of the evidence involved herein may destroy or severely alter the condition of the evidence and prevent Plaintiff from asserting the right to inspect or test the evidence as provided by the Texas Rules of Civil Procedure.

3. Plaintiff further requests a temporary restraining order and temporary injunction that unless Defendant, Daryl Thomason Trucking, Inc., its agents, servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy any cellular phone or other hand-held device in the possession of Defendant, Martie D. Rhamy, at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or hand-held device, GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer, any and all operational or trip related documents created or received by Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, to include any trip tickets, Martie D. Rhamy's daily logs, record of Martie D. Rhamy's duty status, Martie D. Rhamy's daily condition report, payment of services, Martie D. Rhamy's Qualification File and Personnel File as required by any applicable regulations for Defendant, Daryl Thomason Trucking, Inc., all maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident, it will not commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury.

### III.

4. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court order that Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, their agents, servants, employees or anyone having knowledge of this order are hereby commanded forthwith to desist and refrain from the following:

5. Taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant Martie D. Rhamy; and

5. Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant Martie D. Rhamy at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

6. Taking any action that might alter, damage or destroy any and all operational or trip related documents created or received by Defendant, Daryl Thomason Trucking, Inc., and Defendant Martie D. Rhamy, to include any trip tickets, Martie D. Rhamy's daily logs, record of Martie D. Rhamy's duty status, Martie D. Rhamy's daily condition report, payment of services, Martie D. Rhamy's Qualification File and Personnel File as required by any applicable regulations for Defendant, Daryl Thomason Trucking, Inc.; and

7. Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

#### IV.

## EXHIBIT A

8. On information and belief, Defendants, are not represented by counsel.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that the Court enter its Temporary Restraining Order and, upon hearing, Temporary Injunction, that the Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff have judgment against Defendants, jointly and severally, in an amount within the jurisdictional limits of this Court, together with all pre judgment and post judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Pre judgment interest;
12. Post judgment interest;
13. Exemplary damages;
14. Loss of past wages;
15. Loss of future wages;
16. Loss of wage earning capacity;
17. Property damage; and
18. Loss of use.

Respectfully submitted,

THOMAS J. HENRY INJURY ATTORNEYS  
521 Starr Street  
Corpus Christi, Texas 78401  
Tel. (361) 985-0600  
Fax. (361) 985-0601

By: /s/ Travis E. Venable /s/

Thomas J. Henry  
State Bar No. 09484210  
Travis E. Venable  
State Bar No. 24068577  
**ATTORNEYS FOR PLAINTIFF**

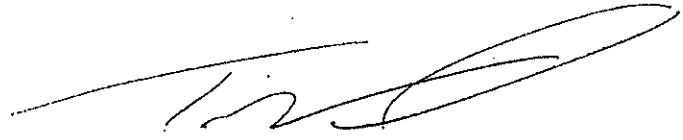
**AFFIDAVIT**

THE STATE OF TEXAS   §  
                                     §  
COUNTY OF BEXAR    §

BEFORE ME, the undersigned authority, personally appeared, Travis E. Venable, who upon his oath stated,

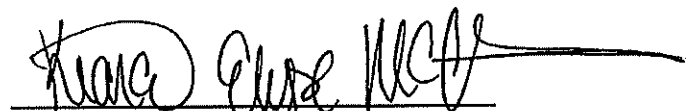
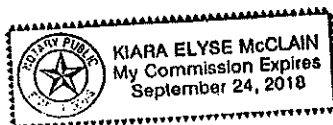
"I am an attorney licensed to practice law in the State of Texas. I have been employed to represent Plaintiff Elena Suarez for the injuries she sustained in the incident which occurred on October 26, 2016. If the tractor and trailer involved in this incident which are in the possession of the Defendants and relevant evidence are in any way altered, crucial evidence may be forever lost to the Plaintiff. The facts stated in the Application for Temporary Restraining Order and Temporary Injunction are true and correct.

"Further, Affiant sayeth not."



Travis E. Venable

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Travis E. Venable, on the 18th day of May, 2017, to certify which witness my hand and seal.

  
Notary Public, State of Texas



**CAUSE NO. 2017-CI-09222**

ELENA SUAREZ,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
vs.	§	438 <sup>th</sup> JUDICIAL DISTRICT
	§	
DARYL THOMASON TRUCKING, INC.,	§	
AND MARTIE D. RHAMY,	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On this day, Plaintiff, ELENA SUAREZ, has filed a motion for temporary injunction and in connection therewith, has presented a motion for a temporary restraining order together with Plaintiff's Original Petition and Application for injunction and affidavit supporting the motion presented. Plaintiff is entitled to a temporary restraining order and temporary injunction that unless Defendants, their agents, servants, and employees and anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision made the basis of Plaintiff's Motion and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant MARTIE D. RHAMY ("Rhamy" is the driver of the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the incident made the basis of this lawsuit), they will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained,

**EXHIBIT B**

Plaintiff will suffer irreparable injury, to wit: Defendants' repair, removal, destruction, disposal, inspection or testing of the evidence involved herein may destroy or severely alter the condition of the evidence and prevent Plaintiff from asserting the right to inspect or test the evidence as provided by the Texas Rules of Civil Procedure.

Plaintiff further requests a temporary restraining order and temporary injunction that unless Defendant **DARYL THOMASON TRUCKING, INC.**, its agents, servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy any cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or hand-held device, any GPS tracking device on the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 or any downloaded information relating to any GPS tracking device or system on the tractor-trailer, all maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident, it will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury.

**IT IS THEREFORE, ORDERED** that Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, their agents, servants, employees,

and anyone acting in concert therewith, or anyone having knowledge of this order are hereby commanded forthwith to desist and refrain from the following:

Taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any and all operational or trip related documents created or received by Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, to include any trip tickets, **MARTIE D. RHAMY'S** daily logs, record of **MARTIE D. RHAMY'S** duty status, **MARTIE D. RHAMY'S** daily condition report, **MARTIE D. RHAMY'S** payment of services, **MARTIE D. RHAMY'S** Qualification File and **MARTIE D. RHAMY'S** Personnel File as required by TX DOT and Federal Motor Carrier Safety Regulations for Defendant **DARYL THOMASON TRUCKING, INC.**; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

**IT IS FURTHER ORDERED** that Defendants be cited to appear and show cause and that upon such hearing a temporary injunction be issued enjoining such Defendants, its agents, servants, and employees or anyone acting in concert therewith, from:

Taking any action that might alter, damage or destroy the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other

evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnauer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

The clerk shall forthwith on the filing by Plaintiff of the bond hereinafter required and in approving the same according to the law, issue a temporary restraining order in conformity with the law and the terms of this order. This order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in conformity with the law, in the amount of \$ 500.00.

**IT IS FURTHER ORDERED**, that Plaintiff's Application for Temporary Injunction be heard at <sup>9:00</sup>~~8:30~~ o'clock A.m., on the 30<sup>th</sup> day of May, 2017, in the Presiding District Court, Bexar County, San Antonio, Texas, Room 109.

**IT IS FURTHER ORDERED** that notice be issued to the Defendants commanding them to appear and show cause why the temporary injunctions prayed for in Plaintiff's Original Petition and Application for Temporary Injunction should not be granted.

This Order expires on May 30, 2017.

SIGNED AND ENTERED this the 19 day of May, 2017 at  
2:33 O'Clock, p.m.  
Norma Gonzales  
Presiding Judge  
131st Judicial District  
Bexar County, Texas  
JUDGE PRESIDING

FILED  
6/13/2017 2:49:55 PM  
Donna Kay McKinney  
Bexar County District Clerk  
Accepted By: Isaias Ibarra

CAUSE NO. 2017CI09222

ELENA SUAREZ,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
v.	§	438 <sup>TH</sup> JUDICIAL DISTRICT
	§	
DARYL THOMASON TRUCKING, INC.	§	
AND MARTIE D. RHAMY,	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

**DEFENDANT MARTIE D. RHAMY'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, **MARTIE D. RHAMY**, in the above-entitled cause, and files this Original Answer and in support thereof would show the Court as follows:

**I.**  
**GENERAL DENIAL**

Defendant denies each and every allegation of Plaintiff's First Amended Original Petition, and demands strict proof thereof as required by the TEXAS RULES OF CIVIL PROCEDURE.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant prays the Court enter judgment in favor of the Defendant. Defendant further pleads for recovery of all court costs, attorney's fees, and such other and further relief as Defendant may be justly entitled to, at law or in equity.

Respectfully submitted,

**CURNEY, FARMER,  
HOUSE & OSUNA, P.C.**  
411 Heimer Road  
San Antonio, Texas 78232-4854  
Telephone: (210) 377-1990  
Facsimile: (210) 377-1065

By: 

**Edward L. Osuna**  
State Bar No. 15339460  
Email: [eosuna@cfholaw.com](mailto:eosuna@cfholaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served on the following through the electronic filing manager, by mail, by commercial delivery service, by fax, by email, or by such other manner as directed by the court on the 13<sup>th</sup> day of June, 2017.

Thomas J. Henry  
Travis E. Venable  
Thomas J. Henry Injury Attorneys  
521 Starr Street  
Corpus Christi, Texas 78401  
*Counsel for Plaintiff*

  
\_\_\_\_\_  
**Edward L. Osuna**

FILED  
6/13/2017 2:54:34 PM  
Donna Kay McKinney  
Bexar County District Clerk  
Accepted By: Isaias Ibarra

CAUSE NO. 2017CI09222

ELENA SUAREZ,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
v.	§	438 <sup>TH</sup> JUDICIAL DISTRICT
	§	
DARYL THOMASON TRUCKING, INC.	§	
AND MARTIE D. RHAMY,	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

**DEFENDANT DARYL THOMASON TRUCKING, INC.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, **DARYL THOMASON TRUCKING, INC.**, in the above-entitled cause, and files this Original Answer and in support thereof would show the Court as follows:

**I.**  
**GENERAL DENIAL**

Defendant denies each and every allegation of Plaintiff's First Amended Original Petition, and demands strict proof thereof as required by the TEXAS RULES OF CIVIL PROCEDURE.


**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant prays the Court enter judgment in favor of the Defendant. Defendant further pleads for recovery of all court costs, attorney's fees, and such other and further relief as Defendant may be justly entitled to, at law or in equity.



Respectfully submitted,

**CURNEY, FARMER,  
HOUSE & OSUNA, P.C.**  
411 Heimer Road  
San Antonio, Texas 78232-4854  
Telephone: (210) 377-1990  
Facsimile: (210) 377-1065

By:   
**Edward L. Osuna**  
State Bar No. 15339460  
Email: [eosuna@cfholaw.com](mailto:eosuna@cfholaw.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served on the following through the electronic filing manager, by mail, by commercial delivery service, by fax, by email, or by such other manner as directed by the court on the 13<sup>th</sup> day of June, 2017.

Thomas J. Henry  
Travis E. Venable  
Thomas J. Henry Injury Attorneys  
521 Starr Street  
Corpus Christi, Texas 78401  
*Counsel for Plaintiff*

  
\_\_\_\_\_  
**Edward L. Osuna**

PRIVATE PROCESS



2017CI09222 S00001

Case Number: 2017-CI-09222

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS

## CITATION

"THE STATE OF TEXAS"

Directed To: DARYL THOMASON TRUCKING INC

Bix Wells  
Pronto Process  
210-226-7192

5/24/17

BY SERVING ITS REGISTERED AGENT, DARYL THOMASON

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE, a default judgment may be taken against you." Said ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE was filed on the 18th day of May, 2017.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23RD DAY OF MAY A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344

CRT  
5/24/17



Donna Kay McKinney  
Bexar County District Clerk  
101 W. Nueva, Suite 217  
San Antonio, Texas 78205

By: Norma Gonzalez, Deputy

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

## Officer's Return

Case Number: 2017-CI-09222

Court: 438th Judicial District Court

I received this CITATION on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE on the date of delivery endorsed on it to \_\_\_\_\_ in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. at: \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_, \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant

FILE COPY (DX002)

DOCUMENT SCANNED AS FILED

PRIVATE PROCESS



2017CI09222 S00002

Case Number: 2017-CI-09222

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS**TEMPORARY RESTRAINING ORDER**

With Bond

"THE STATE OF TEXAS"

To: DARYL THOMASON TRUCKING INC

Six Wells  
Pronto Process  
218-228-7192

BY SERVING ITS REGISTERED AGENT, DARYL THOMASON

5/24/17

Whereas, in a certain cause pending on the docket of the 438th Judicial District Court of Bexar County, Texas, being cause number 2017-CI-09222, wherein ELENA SUAREZ is Plaintiff and DARYL THOMASON TRUCKING INC is Defendant. In said suit the Plaintiff has filed an Original Petition, asking among other things, for the granting and issuance of a Temporary Restraining Order, to restrain the Defendant, DARYL THOMASON TRUCKING INC as fully set out and prayed for, a copy of which is attached hereto and to which reference is hereby made for the injunctive relief sought by the Plaintiff. Upon presentation and consideration of said petition, the Honorable NORMA GONZALES has entered the following, to-wit: copy of order attached to writ served, and whereas, bond (if required) has been filed and approved;

These are therefore, to RESTRAIN, and you the said Defendant, DARYL THOMASON TRUCKING INC, are hereby RESTRAINED as fully set out in the Temporary Restraining Order, a copy of which is attached hereto, made a part hereof, and to which reference is hereby made for a full and complete statement of the injunctive relief ordered by the Court.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 30th day of May, 2017, A.D., at 9:00 o'clock A.M. in room 1.09, Presiding District Court at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 23rd Day of May A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344

CRT



**Donna Kay McKinney**  
**Bexar County District Clerk**

By: *Norma Gonzalez*, Deputy**RETURN**

CAME TO HAND ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_ AT \_\_\_\_ O'CLOCK \_\_\_\_ M. AND EXECUTED (NOT EXECUTED) ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_ BY DELIVERING TO \_\_\_\_\_ IN PERSON, A TRUE COPY OF THIS TEMPORARY RESTRAINING ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS TEMPORARY RESTRAINING ORDER IS \_\_\_\_\_.

TOTAL FEES: \_\_\_\_\_

\_\_\_\_\_  
COUNTY, TEXAS  
BY \_\_\_\_\_

PRIVATE PROCESS



2017CI09222 500003

Case Number: 2017-CI-09222

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS

## CITATION

"THE STATE OF TEXAS"

Directed To: MARTIE D RHAMY

Bix Wells  
Pronto Process  
210-226-7192

5/24/17

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE, a default judgment may be taken against you." Said ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE was filed on the 18th day of May, 2017.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23RD DAY OF MAY A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344



Donna Kay McKinney  
Bexar County District Clerk  
101 W. Nueva, Suite 217  
San Antonio, Texas 78205

By: Norma Gonzalez, Deputy

ELENA SUAREZ  
VS  
DARYL THOMASON TRUCKING ET AL

## Officer's Return

Case Number: 2017-CI-09222  
Court: 438th Judicial District Court

I received this CITATION on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE on the date of delivery endorsed on it to \_\_\_\_\_ in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. at: \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_, \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant \_\_\_\_\_

FILE COPY (DK002)

DOCUMENT SCANNED AS FILED

PRIVATE PROCESS

Case Number: 2017-CI-09222

2017CI09222 S00003

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS

## CITATION

"THE STATE OF TEXAS"

Directed To: MARTIE D RHAMY

CIT

FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

2017 JUN -5 PM 3:29

DEPUTY  
Norma Gonzalez

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE, a default judgment may be taken against you." Said ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE was filed on the 18th day of May, 2017.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23RD DAY OF MAY A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344



Donna Kay McKinney  
Bexar County District Clerk  
101 W. Nueva, Suite 217  
San Antonio, Texas 78205

By: Norma Gonzalez, Deputy

ELENA SUAREZ  
VS.  
DARYL THOMASON TRUCKING ET AL

## Officer's Return

Case Number: 2017-CI-09222  
Court: 438th Judicial District Court

I received this CITATION on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION APPLICATION FOR TEMP REST ORDER & INJUNC & REQ FOR DISCLOSURE on the date of delivery endorsed on it to \_\_\_\_\_ in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at: \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_ County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEE ATTACHED  
NOTARIZED AFFIDAVIT  
DOCUMENT SCANNED AS FILED

Declarant \_\_\_\_\_

RETURN TO COURT (DK002)

**RETURN OF SERVICE**

State of Texas

County of Bexar

438th Judicial District Court

Case Number: 2017-CI-09222 Court Date: 5/30/2017

Plaintiff:  
Elena Suarez

vs.

Defendant:  
Daryl Thomason Trucking, et al.,

Received these papers on the 24th day of May, 2017 at 3:11 pm to be served on Martie D. Rhamy, 11623 100th street, Coyle, Logan County, OK 73027.

I, PETE MORGAN PSL#2015-3, do hereby affirm that on the 27th day of May, 2017 at 2:30 pm, I:

INDIVIDUALLY/PERSONALLY delivered by delivering a true copy of the Citation/Plaintiff's Original Petition, Application for Temporary Restraining Order and Injunction, and Request for Disclosure/Plaintiff's First Request for Admissions to Defendant Martie D. Rhamy/Plaintiff's First Set of Interrogatories to Defendant Daryl Thomason Trucking, Inc./ Plaintiff's First Request for Production to Marie D. Rhamy /Temporary Restraining Order with Bond/Temporary Restraining Order and Order Setting Hearing for Temporary Injunction/Bond with the date of service endorsed thereon by me, to: Martie D. Rhamy at the address of: 11623 100th street, Coyle, Logan County, OK 73027, and informed said person of the contents therein, in compliance with state statutes.

"MY NAME IS Pete Morgan (FIRST, MIDDLE, LAST), MY DATE OF BIRTH IS 4/2/41, AND MY ADDRESS IS 2410 W. Memorial Okla. City, OK (STREET, CITY, STATE, ZIP CODE), AND Okla. (COUNTY). I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED IN LOGAN COUNTY, STATE OF OK, ON THE 27 DAY OF May, 2017. Pete Morgan DECLARANT."

C. Morgan  
PETE MORGAN PSL#2015-3  
Process Server

Our Job Serial Number: BBW-2017003589

PRIVATE PROCESS



2017CI09222 S00004

Case Number: 2017-CI-09222

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS**TEMPORARY RESTRAINING ORDER**

With Bond

"THE STATE OF TEXAS"  
To: MARTIE D RHAMYBix Wells  
Pronto Process  
210-226-7192

5/24/17

Whereas, in a certain cause pending on the docket of the 438th Judicial District Court of Bexar County, Texas, being cause number 2017-CI-09222, wherein ELENA SUAREZ is Plaintiff and MARTIE D RHAMY is Defendant. In said suit the Plaintiff has filed an Original Petition, asking among other things, for the granting and issuance of a Temporary Restraining Order, to restrain the Defendant, MARTIE D RHAMY as fully set out and prayed for, a copy of which is attached hereto and to which reference is hereby made for the injunctive relief sought by the Plaintiff. Upon presentation and consideration of said petition, the Honorable NORMA GONZALES has entered the following, to-wit: copy of order attached to writ served, and whereas, bond (if required) has been filed and approved;

These are therefore, to RESTRAIN, and you the said Defendant, MARTIE D RHAMY, are hereby RESTRAINED as fully set out in the Temporary Restraining Order, a copy of which is attached hereto, made a part hereof, and to which reference is hereby made for a full and complete statement of the injunctive relief ordered by the Court.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 30th day of May, 2017, A.D., at 9:00 o'clock A.M. in room 1.09, Presiding District Court at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 23rd Day of May A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344



**Donna Kay McKinney**  
**Bexar County District Clerk**

By: *Norma Gonzalez*, Deputy

**RETURN**

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND EXECUTED (NOT EXECUTED) ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ BY DELIVERING TO \_\_\_\_\_ IN PERSON, A TRUE COPY OF THIS TEMPORARY RESTRAINING ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS TEMPORARY RESTRAINING ORDER IS \_\_\_\_\_.

TOTAL FEES: \_\_\_\_\_

\_\_\_\_\_, COUNTY, TEXAS

BY \_\_\_\_\_

File Copy (Dk022)



PRIVATE PROCESS



2017CI09222 S00004

Case Number: 2017-CI-09222

ELENA SUAREZ

VS.

DARYL THOMASON TRUCKING ET AL

IN THE DISTRICT COURT  
438th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS**TEMPORARY RESTRAINING ORDER**

With Bond

"THE STATE OF TEXAS"  
To: MARTIE D RHAMY

FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

2017 JUN -5 PM 3:29

DEPUTY  
Norma Gonzalez

Whereas, in a certain cause pending on the docket of the 438th Judicial District Court of Bexar County, Texas, being cause number 2017-CI-09222, wherein ELENA SUAREZ is Plaintiff and MARTIE D RHAMY is Defendant. In said suit the Plaintiff has filed an Original Petition, asking among other things, for the granting and issuance of a Temporary Restraining Order, to restrain the Defendant, MARTIE D RHAMY as fully set out and prayed for, a copy of which is attached hereto and to which reference is hereby made for the injunctive relief sought by the Plaintiff. Upon presentation and consideration of said petition, the Honorable NORMA GONZALES has entered the following, to-wit: copy of order attached to writ served, and whereas, bond (if required) has been filed and approved;

These are therefore, to RESTRAIN, and you the said Defendant, MARTIE D RHAMY, are hereby RESTRAINED as fully set out in the Temporary Restraining Order, a copy of which is attached hereto, made a part hereof, and to which reference is hereby made for a full and complete statement of the injunctive relief ordered by the Court.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 30th day of May, 2017, A.D., at 9:00 o'clock A.M. in room 1.09, Presiding District Court at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 23rd Day of May A.D., 2017.

TRAVIS E VENABLE  
ATTORNEY FOR PLAINTIFF  
521 STARR ST  
CORPUS CHRISTI, TX 78401-2344



**Donna Kay McKinney**  
**Bexar County District Clerk**

By: *Norma Gonzalez*, Deputy

**RETURN**

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND EXECUTED (NOT EXECUTED) ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_ BY DELIVERING TO \_\_\_\_\_ IN PERSON, A TRUE COPY OF THIS TEMPORARY RESTRAINING ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS TEMPORARY RESTRAINING ORDER IS \_\_\_\_\_.

TOTAL FEES: \_\_\_\_\_

SEE ATTACHED  
NOTARIZED AFFIDAVIT

\_\_\_\_\_, COUNTY, TEXAS

Return To Court (Dk022)

DOCUMENT SCANNED AS FILED



**RETURN OF SERVICE**

State of Texas

County of Bexar

438th Judicial District Court

Case Number: 2017-CI-09222 Court Date: 5/30/2017

Plaintiff:

Elena Suarez

vs.

Defendant:

Daryl Thomason Trucking, et al.,

Received these papers on the 24th day of May, 2017 at 3:11 pm to be served on Martie D. Rhamy, 11623 100th street, Coyle, Logan County, OK 73027.

I, PETE MORGAN PSL#2015-3, do hereby affirm that on the 27th day of May, 2017 at 2:30 pm, I:

INDIVIDUALLY/PERSONALLY delivered by delivering a true copy of the Citation/Plaintiff's Original Petition, Application for Temporary Restraining Order and Injunction, and Request for Disclosure/Plaintiff's First Request for Admissions to Defendant Martie D. Rhamy/Plaintiff's First Set of Interrogatories to Defendant Daryl Thomason Trucking, Inc./ Plaintiff's First Request for Production to Marie D. Rhamy /Temporary Restraining Order with Bond/Temporary Restraining Order and Order Setting Hearing for Temporary Injunction/Bond with the date of service endorsed thereon by me, to: Martie D. Rhamy at the address of: 11623 100th street, Coyle, Logan County, OK 73027, and informed said person of the contents therein, in compliance with state statutes.

"MY NAME IS Pete Morgan (FIRST, MIDDLE, LAST), MY DATE OF BIRTH IS 4/2/41, AND MY ADDRESS IS 2410 W. Memorial Okla. City, OK (STREET, CITY, STATE, ZIP CODE), AND Okla. (COUNTY). I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED IN Logan COUNTY, STATE OF OK, ON THE 27 DAY OF May, 2017. Pete Morgan DECLARANT."

C.W. PD Morgan  
PETE MORGAN PSL#2015-3  
Process Server

Our Job Serial Number: BBW-2017003589

2017CI09222 -D438

## CAUSE NO. 2017-CI-09222

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*§ IN THE DISTRICT COURT  
§  
§  
§ 438<sup>th</sup> JUDICIAL DISTRICT  
§  
§  
§  
§ BEXAR COUNTY, TEXAS**TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On this day, Plaintiff, ELENA SUAREZ, has filed a motion for temporary injunction and in connection therewith, has presented a motion for a temporary restraining order together with Plaintiff's Original Petition and Application for injunction and affidavit supporting the motion presented. Plaintiff is entitled to a temporary restraining order and temporary injunction that unless Defendants, their agents, servants, and employees and anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision made the basis of Plaintiff's Motion and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant MARTIE D. RHAMY ("Rhamy" is the driver of the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the incident made the basis of this lawsuit), they will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained,

2017CI09222 -100003



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Plaintiff will suffer irreparable injury, to wit: Defendants' repair, removal, destruction, disposal, inspection or testing of the evidence involved herein may destroy or severely alter the condition of the evidence and prevent Plaintiff from asserting the right to inspect or test the evidence as provided by the Texas Rules of Civil Procedure.

Plaintiff further requests a temporary restraining order and temporary injunction that unless Defendant **DARYL THOMASON TRUCKING, INC.**, its agents, servants, and employees or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage or destroy any cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or hand-held device, any GPS tracking device on the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 or any downloaded information relating to any GPS tracking device or system on the tractor-trailer, all maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident, it will commit said acts before notice of the hearing on the Motion for a temporary injunction can be served and hearing had; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury.

**IT IS THEREFORE, ORDERED** that Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, their agents, servants, employees,

and anyone acting in concert therewith, or anyone having knowledge of this order are hereby commanded forthwith to desist and refrain from the following:

Taking any action that might alter, damage or destroy the tractor-trailer involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any and all operational or trip related documents created or received by Defendant, **DARYL THOMASON TRUCKING, INC.**, and Defendant **MARTIE D. RHAMY**, to include any trip tickets, **MARTIE D. RHAMY'S** daily logs, record of **MARTIE D. RHAMY'S** duty status, **MARTIE D. RHAMY'S** daily condition report, **MARTIE D. RHAMY'S** payment of services, **MARTIE D. RHAMY'S** Qualification File and **MARTIE D. RHAMY'S** Personnel File as required by TX DOT and Federal Motor Carrier Safety Regulations for Defendant **DARYL THOMASON TRUCKING, INC.**; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of the tractor-trailer involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

**IT IS FURTHER ORDERED** that Defendants be cited to appear and show cause and that upon such hearing a temporary injunction be issued enjoining such Defendants, its agents, servants, and employees or anyone acting in concert therewith, from:

Taking any action that might alter, damage or destroy the 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision and its component parts to include electronic control module and any data already downloaded from the electronic control module involved in the incident on October 26, 2016, and any other

evidence to include, but not limited to, blood, urine, blood and urinalysis tests, results, reports, etc. of Defendant **MARTIE D. RHAMY**; and

Taking any action that might alter, damage or destroy any and all cellular phone or other hand-held device in the possession of Defendant **MARTIE D. RHAMY** at the time of the collision on October 26, 2016, including any GPS tracking device on that cellular phone or other hand-held device or any downloaded information relating to any GPS tracking device or system on that cellular phone or other hand-held device, any GPS tracking device on the tractor-trailer or any downloaded information relating to any GPS tracking device or system on the tractor-trailer; and

Taking any action that might alter, damage or destroy any maintenance records, repair reports and any other document related to repairs or maintenance of 2014 Freightliner Cascadia 125 tractor-trailer, Oklahoma license plate #2TL505, and VIN #3AKJGLDV7ESFU1897, and the 2006 Reitnouer trailer, Oklahoma license plate #1170LF, and VIN #1RNF53A276R014394 involved in the October 26, 2016, collision, and any other documents, reports, or memoranda related to this incident or involved in the incident on October 26, 2016, and any other documents, reports, or memoranda related to this incident.

The clerk shall forthwith on the filing by Plaintiff of the bond hereinafter required and in approving the same according to the law, issue a temporary restraining order in conformity with the law and the terms of this order. This order shall not be effective unless and until Plaintiff executes and files with the clerk a bond in conformity with the law, in the amount of \$ 500.00.

**IT IS FURTHER ORDERED**, that Plaintiff's Application for Temporary Injunction be heard at 9:00 o'clock A.m., on the 30<sup>th</sup> day of May, 2017, in the Presiding District Court, Bexar County, San Antonio, Texas, Room 109.

**IT IS FURTHER ORDERED** that notice be issued to the Defendants commanding them to appear and show cause why the temporary injunctions prayed for in Plaintiff's Original Petition and Application for Temporary Injunction should not be granted.

This Order expires on May 30, 2017

SIGNED AND ENTERED this the 19 day of May, 2017 at  
2:33 O'Clock, P.m.

  
\_\_\_\_\_  
JUDGE PRESIDING

05/19/2017 10:43:42 PG 2149

CAUSE NO. 2017-CI-09222

ELENA SUAREZ,  
*Plaintiff,*

vs.

DARYL THOMASON TRUCKING, INC.,  
AND MARTIE D. RHAMY,  
*Defendants.*

§ IN THE DISTRICT COURT  
§  
§  
§ 438th JUDICIAL DISTRICT  
§  
§  
§  
§ BEXAR COUNTY, TEXAS

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ORDER EXTENDING APPLICANT'S TEMPORARY RESTRAINING ORDER

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On this the 30<sup>th</sup> day of May, 2017, *Plaintiff's Motion to Extend Temporary Restraining Order* was considered by the Court. After considering the evidence and hearing the arguments of counsel, the Court ordered that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the *Plaintiff's Motion to Extend Temporary Restraining Order* is GRANTED.

IT IS FURTHER ORDERED that the hearing for Plaintiff's application for Temporary Injunction shall occur on the 13 day of June 2017.

SIGNED AND ENTERED on this the 30<sup>th</sup> day of May 2017.

  
\_\_\_\_\_  
Presiding Judge

